

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CRIMINAL NO. 16-30108-NJR
vs.)	
)	
DARIUS D. FLOWERS,)	
)	
Defendant.)	

**GOVERNMENT'S NOTICE OF ELEMENTS OF THE OFFENSE, STATUTORY
PENALTIES AND ANTICIPATED ADVISORY GUIDELINE RANGE**

To sustain the charge of Possession of Contraband by a Federal Inmate, as charged in the Indictment, the Government must prove the following propositions beyond a reasonable doubt:

FIRST: the defendant was, at the time stated in the indictment, an inmate of a Federal prison or correctional facility, as charged;
SECOND: at such time, the defendant knowingly possessed the object described in the indictment, as charged; and
THIRD: the object was a prohibited object.

PENALTIES

A term of imprisonment of not more than five (5) years, a fine up to \$250,000, or both, supervised release of not more than three (3) years, and a \$100 special assessment, **to be served consecutively to the remainder of the defendant's current sentence in case number 0862 1:15CR00068-1 from the United States District Court for the Northern District of Iowa.**

Government's Position on the Advisory Guideline Range

The Government anticipates that the base offense level in this case will be thirteen (13) pursuant to §2P1.2(a)(2). The Government anticipates that, because the defendant entered a

timely plea, he will receive a three-level downward adjustment for acceptance of responsibility, thus resulting in an adjusted offense level of eleven (11).

A preliminary examination of the defendant's criminal history shows a total of fourteen (14) points, which would place him in a Category IV. An offense level 11, Criminal History Category IV, equates with an advisory guideline range of 27-33 months, to be served consecutively to the remainder of the defendant's current sentence in case number 0862 1:15CR00068-1 from the United States District Court for the Northern District of Iowa, and a fine range of \$4,000 to \$40,000.

Respectfully submitted,

DONALD S. BOYCE
United States Attorney

s/ *Angela Scott*
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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2017, I electronically filed the **Government's Notice of Elements of the Offense, Statutory Penalties, and Anticipated Advisory Guideline Range** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

AFPD David Brengle

Respectfully submitted,

DONALD S. BOYCE
United States Attorney

s/ *Angela Scott*
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